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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,189	05/20/2004	William Fienup		7297

7590 08/17/2006

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EXAMINER

ENGLISH, EVAN JAMES

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/849,189

Applicant(s)

FIENUP ET AL.

Examiner

Evan English

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/20/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ko et al. (US 5,271,522).

With respect to claim 1, Ko discloses an adhesive bandage dispenser system comprising a pack 22 of separable adhesive bandages 66 releasably joined at one end and having separation strips 70 interconnecting adjacent bandages (see Figs 1, 6, and 7). The system further comprises a dispenser frame (seen in Fig 1 as supporting 12) shaped to hold the bandages, having a slot 20 through which bandages may be pulled one at a time, including an internal holder 18 for securing the joined end of the stack of bandages in position so that the end of a bandage to be dispensed protrudes out of the slot, the separation strip 70 pulling the next bandage into dispensing position when one bandage is pulled out of the slot (see Figs 2, 3, 6, and 7).

With respect to claim 3, Ko discloses that the dispenser has a front wall 12 and a flange element 18 extending inwardly from the front wall a sufficient distance so as to overlie at least a portion of the bandage pack so as to prevent

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the removal of the pack from the slot but permit removal of individual bandages (see Figs 1-3).

With respect to claim 4, Ko discloses a pack of dispensable bandages 22 designed to be pulled by a dispensing end through an opening one at a time (see Fig 3), releasably joined at the end opposite the dispensing end and having a separation strip (70 in Fig 6) joining adjacent bandages by being secured toward the dispensing end of one bandage and to the dispensing end or body of the adjacent bandage (see Figs 4-7).

With respect to claim 5, Ko discloses a bandage dispenser comprising a frame (seen in Fig 1 as supporting 12), shaped and sized to hold a pack of bandages. The dispenser further comprises a bandage dispensing opening 20 defined in the frame and a clamp 18 releasably securing the bandage pack so that one bandage can be removed at a time through the opening (see Fig 1).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al. in view of Arelt (US 1,513,792).

With respect to claim 2, Ko discloses a bandage dispenser system as discussed in claim 1 above wherein opposite ends of each separation strip are

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secured respectively toward the dispensing end of one bandage and to the dispensing end or body of the adjacent bandage (see Figs 6 and 7). Ko does not disclose that the adjacent bandage is directly above the first bandage.

Arelt discloses a dispensing system where the adjacent dispensed item (Arelt is dispensing paper napkins) is directly above the first dispensed item (see Figs 1-3). Providing the adjacent items above the dispensed item enhances dispensing by working with gravity instead of against it.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the adjacent item directly above the dispensed item as taught by Arelt to the dispensing system of Ko in order to enhance dispensing.

With respect to claim 6, Ko discloses a method of dispensing bandages comprising releasably joining a stack of bandages 22 at one end (see Figs 4-7), securing the joined end of the bandage pack (see Fig 1), arranging the end of a first bandage in the pack to protrude through a bandage dispensing opening (see Fig 3), and feeding one bandage at a time through the opening by pulling the first bandage out of the opening so that the first bandage draws the dispensed end of the adjacent bandage into position in the opening (see Figs 3-7). Ko does not disclose that the adjacent bandage is directly above the dispensed bandage.

Arelt discloses a method of dispensing bandages where the adjacent dispensed item is directly above the first dispensed item (see Figs 1-3). Providing the adjacent items above the first dispensed item enhances dispensing by working with gravity instead of against it.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the step of arranging the adjacent item directly above the dispensed item as taught by Arelt to the dispensing method of Ko in order to enhance dispensing.

With respect to claim 7, Ko discloses that the step of interconnecting adjacent bandages in the stack with separation strips (see Figs 4-7).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan English whose telephone number is (571) 272-8971. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJE  
8/14/2006

A handwritten signature in black ink, appearing to be 'PM' or 'P. Mackey', written in a cursive style.

**PATRICK MACKEY  
PRIMARY EXAMINER**